

HOW AND HOW NOT TO ACHIEVE GOOD TASTE IN ADVERTISING: FREE MARKET REGULATION IS BETTER THAN GOVERNMENT REGULATION

BRIAN MICKLETHWAIT



The world is full of tasteless advertisements. What should be done? A law against tastelessness might seem the obvious cure.

But why shouldn't people be tasteless if they want to be? It's too vague a category, and too subjective. We may agree that tastelessness now runs riot, but will surely disagree about which adverts are the most tasteless. The adverts which I find the most tasteless of all are often those where the advertisers have gone out of their way to be "tasteful". There's now a TV ad running, for a CD of operatic excerpts, in which a couple is shown arriving at the opera house, in a horse drawn carriage. He looks like a standard issue Mills and Boon hero, i.e. he looks like a male model and is therefore probably gay. And she looks like the kind of person who's head is so stuffed with Mills and Boon that she doesn't realise he's gay. It is all filmed in a very soft focus, olde worlde manner, and is to me a total travesty of the true spirit of opera. I cringe every time I see it.

But I wouldn't want this advertisement made illegal merely because I don't like it, and I invite others to be as tolerant of the bad taste of others as I am. Lousy taste should be allowed. New born babies and HIV positive beggars *should* be allowed in Benetton adverts. Adverts for smutty talking telephone services *should* be allowed in the *Daily Sport*. If people want to advertise clothes that look as if Gary Glitter has chucked them out for being too naff, *fine*.

But won't this create a lot of misery? Won't people be upset on a huge scale? Not necessarily. The answer to the conundrum is that we should all make greater use of the institution of *private property*.

PRIVATE STANDARDS AND PUBLIC CHAOS

Suppose that most "public" places were "privately" owned. Suppose that not just newspapers and magazines and cars were each someone's private property, but that the same rule applied also to parks, shopping centres, railway stations, and above all the *streets* and the *electronic media*.

The same kind of advertising rules would emerge, I suggest, as have already emerged in the newspaper business. You don't get adverts for smutty telephone calls in the *Times* or the *Economist* or the *International Journal of Advertising*. But you *do* get them in the *Daily Sport* complete with small pictures of the smoldering lovelies with whom you are being invited to converse. So, if you want to avoid being offended by such adverts, avoid the *Daily Sport*.

But now consider television. (ITV makes much of its "I", which stands for "independent", but ITV is only a government franchise, renewed following a gigantic political row every few years, and heavily policed and fussed over by the Great and the Good in the

supposed national interest, just like the BBC.) It is far harder for TV viewers to avoid being upset by what they see and hear. In the case of the two TV channels which may advertise, just about every advert will offend and upset some people, the viewers all having been herded by the government into watching the same emaciated television service. The sort of advertising allowed in this ludicrously restricted enclave is inevitably a bitter public issue. (Exactly the same applied in the early days of printing. People now snigger at sixteenth century bishops who used to agonise about what the few licensed printers should be allowed to print. The descendants of these same bishops now make identically fatuous statements about state-licensed TV and radio.)

But suppose there really was a free market in broadcasting. Suppose that television channels really were "independent", and no harder to buy than nightclubs are now. Suppose there were as many TV channels as the techno-wizards could contrive. There would immediately be a flowering of TV specialisation, in the manner of the press. There would be posh, arty shows, with small but rich audiences, interrupted by the sort of adverts that rich people will tolerate and be moved by. There'd be scumbag tabloid TV shows, far tackier than we have now, paid for by tasteless adverts like the ones in the *Daily Sport*. There'd be aggressively masculine and managerial shows about how to Lead Britain Out of Recession and Achieve Inflation-Free Export-Lead Growth (with adverts for hotels and seminars and gold plated fountain pens and portable computers). There'd be TV for gardeners (with weedkiller adverts), for sportsmen (with adverts for running shoes), for sports lovers (with adverts for beer and cigarettes), for tasteful classical music lovers like me (with adverts for opera without those damned horse drawn carriages), and for tasteless classical music persons *with* the carriages. And so on and so on. Result: much more pleasure and profit for all, and much less offence caused by surprise horrors, which one was watching this particular channel precisely to avoid.

Suppose streets and shopping centres were all privately owned, and the same kind of variety of public mood was allowed to emerge there as well. In the event that anybody except a few feminists truly cares about the matter, there would undoubtedly emerge a few shopping centres where the feminist dream law of the girly mags not even being allowed on the top shelf would apply, and Mrs Whitehouse and the feminists could all shop there, and maybe pay a few pence extra for their sweeties and newspapers. It might even be that certain products (cigarettes being the obvious one) might be forbidden in these prudish, high-profit margin, low turnover places. Fine. If someone thinks he can make such places pay, let him try.

Some streets would allow those allegedly tasteless and over-the-top Benetton ads, and others wouldn't. Which is exactly as it should be.

A MARKET IN REGULATIONS

The point I want to make very, very strongly here is that I am absolutely not against "regulations". Those who say that "there ought to be more regulations" are right. But what there ought *not* to be is more *government* regulations. The *nationalised* regulation industry, in other words, should be *denationalised*. "Deregulation" is a most unfortunate slogan, I think.

Regulation is a good thing. We all do it. Regulation ensures the regular delivery of milk bottles at the same time of the day, every

Political Notes No. 74

ISSN 0267-7059 ISBN 1 85637 135 2

An occasional publication of the Libertarian Alliance,
25 Chapter Chambers, Esterbrooke Street, London SW1P 4NN
www.libertarian.co.uk email: admin@libertarian.co.uk

© 1993: Libertarian Alliance; Brian Micklethwait.

The views expressed in this publication are those of its author, and not necessarily those of the Libertarian Alliance, its Committee, Advisory Council or subscribers.

Director: Dr Chris R. Tame
Editorial Director: Brian Micklethwait Webmaster: Dr Sean Gabb

FOR LIFE, LIBERTY AND PROPERTY



day, rather than just at any old time, if you're lucky. Sony TV sets work every time, because Sony workers all have to abase themselves before great thick books, crammed with regulations. The *Sunday Times* puts all its job adverts in this massive supplement, but all the lonely hearts adverts (not too raunchy please) in that one, and so on. Regulations. Regulations. Regulations.

The rest of us happily *consume* these regulations. We learn that this shop will only sell this kind of product, and hence only attract this kind of person, and will have this kind of promotional material on its walls. And if that's the kind of style we like, we go there. If not, we avoid the place and avoid being offended by it.

Insofar as some shopping centres already are quasi-privately owned, we are already preferring them to the squalour of the public sector. All those lovely regulations that are allowed to flower in the private sector, about clean floors, and good air conditioning! Equally important is that the private sector *enforces* its regulations. Public sector regulations are thrashed out by the ton, but they then tend not to be enforced, because they are too silly or because nobody cares about them, or because the cost of someone caring would be even sillier than the regulations themselves.

Perhaps the most potent argument of all against public sector regulation and in favour of private sector regulations is that private sector regulations which turn out to be ridiculous and unenforceable can be quietly "repealed", without huge parliamentary convulsions.

TRUTH

One of the most sinister ideas of all coming from the enthusiasts for nationalised regulation is that the government - or its appointees - should be deciding what is *true*, that there should, in other words, be a Ministry of Truth. This despite the fact that the more completely a government dominates the society it governs, the bigger and the more outrageous the lies that government will itself tell.

The way to discover the truth is ... to *discover* it. Let everyone propose what they think is true, and then let others say why the first bunch of people are wrong, and let the truth emerge from the debate, just as the best business enterprises only emerge after the institutional search process that is the free market. You can't have a proper debate about what is true unless the means of saying what is true are spread around in society at large, and unless you are allowed to be wrong.

Many believe that the truth is obvious, and that there would thus be no problem about a law compelling people to be truthful. Lies, it is widely believed, are only spread by deliberate liars. But this is not so, a fine example of a non-obvious truth being that the truth is not always obvious! The way to handle truth in advertising is to treat truth as being like beauty, good taste or good manners, a matter of subjective opinion. In a free market, TV channels or street owners who cared about the truthfulness of the atmosphere they radiated would tend to refuse blatantly dishonest adverts, just as newspapers do now. In newspapers and magazines, the truth tends, eventually, to prevail over untruth, even though untruth is basically allowed. The same principle should apply in advertising. And it should be recognised by all adults that learning about the world and its potentially wicked ways includes learning that you shouldn't believe all you read in the advert. *Caveat*, in other words, *emptor*. In plain English: let the buyer beware.

If you insist on being exposed only to truthful advertising, then purchase only those magazines, attend only to those electronic media, and visit only those public venues that make a point of vetting their adverts for truth content. Truth plc would be a perfectly acceptable enterprise to attempt to establish. There's obviously a living to be made by people who are willing to judge adverts according to their truth content, and who get good enough at this dicey business to build reputations for good judgment. Once accepted by one of the known (but challengeable in the market by rival arbiters of truth, then an advert would be acceptable anywhere. But if turned down by Truth plc (and by Truthmongers Incorporated, and by The Truth Fairies of California and by the Truthsayers League), an advertisement would only be allowed in places where the truth was for the customers to worry about. If you want to fuss a bit, but not that much, keep an eye open for the little supporting logos in the corner of adverts, supplied or withheld by the various truth arbiters.

LEGISLATION LEADING TO LAWLESSNESS

In this piece of writing I am trying to sell the idea of private property, the free market, and capitalism unrestrained by any rules except its own rules, to everyone. I am saying: in a free market, you'll get a lot of what you want, whoever you are. You won't get it all, because that would cost you too much, but you *will* get more of it if you let tradesmen supply it to you than if you rely on the government. And I'm saying that this will apply just as much to the supply of Honesty and Good Taste in Advertising, as it will to the supply of fresh vegetables or washing machines.

But some won't accept this dispensation, no matter what they personally get from it. These are the people who really do oppose the legality of other people's tastes. Even the *thought* of a tasteless or misleading advert, *even if they never see it and are never directly affected by it*, is offensive to these people. They want their tastes and opinions imposed on everyone, no matter what the cost may be to the rest of us, and they want to indulge in their own tastes at way below the market price for them, ditto.

Well, if these people really and truly want a uniform world, where only their tastes and views apply, and in which other tastes are only indulged in on the black market, then I say to them: you can't have it. You think you are being virtuous and opposing wickedness. I think you are yourselves being wicked. Wicked because intolerant, and wicked because if you use the law to forbid things that millions of other people don't actually think is wrong, and won't help the police to stop, you will destroy the very law itself, as surely as you would destroy a china jug if you used it to hammer nails.

Actually, you people are busily doing this already. You already do it with drugs and porn. Soon you will ban cigarettes, everywhere. Then you'll go for booze, and cars. You think you are good at making rules, and that I don't care about rules and prefer a permanent shambles in everything. Actually I care very much about rules. But I want them well made, by the people best placed to make them. And I want you to know that I consider your rules be an unruly shambles by comparison.

AN INSTRUMENT OF ARBITRARY REPRESSION

The up-yours method of persuasion can sometimes be quite effective, hence my willingness to use it in the previous paragraph. But let me end this piece in favour of a free market in regulations, and against nationalised regulations, with a few less confrontational points.

What if all of you folks who worry about good taste in advertising pass a lot of laws forbidding adverts to be smutty or disgusting or full of lies? What if the House of Commons then appoints a joblot of the Great and Good to take care of the matter? And what if all these Great and Good persons decide instead that smutty and misleading adverts should be compulsory? And what if the politicians let them get away with it, because they don't give a damn, and because, on the quiet, they mostly prefer smut and lies themselves?

Compulsorily truthful and tasteful persons may laugh, but is that not pretty much what *did* happen during the sixties, to the nationalised British television industry, when that nice Lord Reith was replaced as Governor of the BBC by the degenerate Hugh Greene, and the floodgates of filth and ungodliness were opened? That is certainly what the prudish tendency now says. If you fashion an instrument of arbitrary repression, never forget how things would be if someone used it *against* you.

And what if the principle that the printing press itself *may* now be fussed over by the modern equivalent of sixteenth century bishops is re-established, in the form of the censorship of advertising? Where will that leave more obviously opinionated written proclamations such as this one? Might it not soon be considered tasteless to oppose, as I have, the legal obligation of advertisers to say only what the government says is true? Ideas, once accepted, spread. If laws are passed saying that only truthful and tasteful tea adverts are permitted, how long before some parliamentary dolt says that the same thing should apply to other kinds of published opinion?

In the meantime, if you disagree with this piece of writing, you are perfectly free to concoct and mass produce your own rival piece of paper, explaining why. Long may that remain the rule.